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June 21, 2018

VIA ECF

Hon. Vince Chhabria
U.S.D.C., N.D. California
450 Golden Gate Avenue
San Francisco, CA 94102

**Re: *In re Facebook, Inc., Consumer Privacy User Profile Litigation,*
MDL No. 2843, Case No. 18-md-02843-VC**

Dear Judge Chhabria:

In accordance with Pretrial Order No. 1, I respectfully apply for appointment as Plaintiffs' Interim Co-Lead Counsel, or, alternatively, to the Plaintiffs' Steering Committee ("PSC") in this case. Enclosed are my resumé (Exhibit A) and a list of counsel who support my appointment (Exhibit B).

I am a founding partner of Seeger Weiss LLP. Our firm is one of the nation's preeminent trial law firms, with an established track record of helping lead some of the most complex and important cases on behalf of consumers and injured parties. We represent clients nationwide in complex litigation flowing from all manner of corporate misconduct—including extensive experience in technology and data security related cases. Most recently, I was appointed Interim Co-Lead Counsel in *In re Intel Corp. CPU Mktg., Sales Practices and Prods. Liab. Litig.*, MDL No. 2828 (D. Oregon).

As discussed in more detail below, I've had the privilege to lead or serve on the PSC in many of the most complex and impactful MDL and class litigations, securing key jury verdicts and negotiating innovative, effective settlements valued at tens of billions of dollars for individuals, municipalities, and private purchasers. For example, I served as Co-Lead Counsel and chief negotiator for the plaintiffs in *In re NFL Players' Concussion Injury Litig.*, MDL No. 2323 (E.D. Pa.). I am extraordinarily proud of the results obtained for the class members in those proceedings—results made possible by focusing on the medical care class members needed, not just on numbers.

I believe I've come to earn the trust of my peers, adversaries, and the judges before whom I have appeared, by virtue of my disciplined, earnest, and honest approach to litigation and conflict resolution. It would be my privilege to apply my experience to the plaintiffs' benefit here and successfully and efficiently prosecute plaintiffs' claims against Facebook Inc. ("Facebook").

In particular, in light of pending bankruptcy proceedings of Cambridge Analytica(UK) Ltd., Cambridge Analytica Ltd., and Cambridge Analytica LLC (collectively, "Cambridge Analytica") in the S.D.NY and the United Kingdom and the gravity of discovery to be had in this case, it will be beneficial to the plaintiffs to have leadership located in or around New York to efficiently and effectively manage and coordinate relevant discovery. It appears Cambridge Analytica did not delete valuable data models and derivative data including the "psychographic" profiles that it created. These

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data models and “psychographic” profiles deployed against plaintiffs in the 2016 U.S. election cycle may be more valuable than the raw data itself removed from Facebook to evince plaintiffs’ harm and likely still in the possession of Cambridge Analytica and its affiliates. Cambridge Analytica is also best able to answer how they gained access to Facebook users’ information, how they collected Facebook users’ information, the number of Facebook users impacted, the scope and extent of information collected, and the manner in which Facebook users’ information was used to manipulate their behavior. This will be critical discovery.

Below are responses to Your Honor’s specific requests for information:

Relevant Experience and Court Appointments (Items i and ii)

As detailed in the attached resumé, I possess significant experience in consumer class action and other complex litigation, along with a distinguished reputation from having successfully led other MDL proceedings. I will bring to this matter insights gained from my work as court-appointed Co-Lead Counsel for the plaintiffs in *In re NFL Players’ Concussion Injury*, which alleged groundbreaking claims for declaratory, injunctive, and monetary relief. The case presented significant legal and procedural challenges, including federal preemption, causation, and sub-classing issues. It was a potential quagmire that could have delayed the relief our class members urgently needed. As chief negotiator, I navigated these complexities and successfully led settlement negotiations to obtain an uncapped fund valued at approximately \$1 billion and a medical testing program for thousands of former NFL players—results overwhelmingly supported by the class.

I also served on the PSC and Settlement Committee in *In re Volkswagen “Clean Diesel” Mktg., Sales Practices and Prods. Liab. Litig.*, MDL No. 2672 (N.D. Cal.).¹ The classes in that MDL sought injunctive as well as monetary relief. My colleagues and I worked intensively for the better part of a year to work out comprehensive settlements in that matter. To date, we’ve obtained settlements with Volkswagen worth more than \$20 billion for class members, including an optional “buyback” program for car owners, plus billions more in environmental relief. The settlements were structured so that Volkswagen, and not the class members, will pay class counsel’s fees and costs. Similarly, in *In re Zyprexa Prods. Liab. Litig.*, MDL No. 1596 (E.D.N.Y.), in which I was appointed as Liaison Counsel, I was one of the chief negotiators of a \$700 million settlement, followed by a \$500 million second-round settlement that benefitted tens of thousands of individuals. Also, in *In re Syngenta AG MIR162 Corn Litig.*, No. 2:14-md-02591 (D. Kan.), I was appointed to the Plaintiffs’ Settlement Committee, serving as Lead Negotiator, resulting in a \$1.5 billion nationwide settlement.²

My success at the negotiating table is built on my success in the courtroom. Counsel know I am fully willing and capable of taking large and complex cases to trial. My successes in bellwether trials have led to global settlements. For example, *In re Vioxx Prods. Liab. Litig.*, MDL No. 1657 (E.D. La.), in which I was appointed as Co-Lead Counsel, settled for \$4.85 billion just months after my colleagues and I obtained a \$47.5 million bellwether jury verdict. Similarly, in *In re Chinese-Manufactured Drywall Prods. Liab. Litig.*, MDL No. 2047 (E.D. La.), I was appointed Chair of the Plaintiffs’ Trial Committee and lead trial counsel in a string of bellwether trials. The successful verdicts in those cases paved the way for a national settlement valued at approximately \$1 billion.

The judges presiding over the cases referenced above are:

¹ I also serve on the Discovery and Trial Committee in *Volkswagen “Clean Diesel.”*

² I respectfully refer the Court to my resumé for a more complete description of my experience.

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- *In re Intel Corp. CPU*: Hon. Michael H. Simon, 503-326-8380
- *In re Volkswagen "Clean Diesel"*: Hon. Charles R. Breyer, 415-522-2062
- *In re NFL Players' Concussion Injury*: Hon. Anita B. Brody, 215-597-3978
- *In re Vioxx & In re Chinese-Manufactured Drywall*: Hon. Eldon E. Fallon, 504-589-7545
- *In re Zyprexa*: Hon. Jack B. Weinstein, 718-613-2520
- *In re Syngenta*: Hon. John W. Lungstrum, 913-735-2320

Willingness and Ability to Commit the Required Time and Resources (Items iii, v, & vi)

I would be honored to serve as Co-Lead Counsel and/or as a member of the Plaintiffs' Steering Committee. My firm possesses ample personnel, funding, and other resources to prosecute this matter in a timely and efficient manner. In addition to our time, we have invested millions of dollars in cases such as *Volkswagen "Clean Diesel," NFL Players' Concussion Injury*, and other cases in which we have leadership positions. As my track record demonstrates, I will prioritize the interests of the class and am personally ready, able and eager to commit to a time-consuming process in order to obtain the most favorable outcome in this litigation. If appointed to serve, I will be assisted in this matter by my partner, Stephen Weiss, who has been appointed to numerous MDL leadership positions, and Chris Ayers, who has tried numerous cases to successful verdict.

Cooperation With Other Counsel (Item iv)

With each appointment, a court entrusts me with the responsibility to shepherd the litigation to an efficient and effective outcome. I maintain the highest standards of decorum, cooperation, and collegiality among plaintiff and defense counsel alike. I will not tolerate any lesser standard from plaintiffs' counsel with whom I work. The depth of my commitment to honest, practical cooperation is shown, in significant part, by the settlements I have helped broker in even the most high-pressure, publicly scrutinized cases, such as *Volkswagen "Clean Diesel"* and *NFL Players' Concussion Injury*.

I believe deeply that, when carried out with skill, mutual respect, and common sense, litigation serves a critical role in our democracy. I am therefore committed to sharing the experience, knowledge, and insight I have gained with my current and future colleagues by teaching, speaking, and writing on mass torts, MDLs, and class actions, as outlined in my resumé. Equally important, I am focused on ways to improve how the bar and the bench work together to best achieve the end goal—ensuring that wronged parties get fair and effective representation and relief. Toward that end, I serve on the Board of Advisers for the Center on Civil Justice at New York University School of Law and the Advisory Council for the Duke Conferences (part of the Duke Law School Center for Judicial Studies), through which my colleagues and I contribute to the development of best practices for MDLs.

I believe the plaintiffs will be well-served through my leadership as Interim Co-Lead Counsel and would be honored to serve the interests of the class.

Respectfully submitted,

/s/ Christopher A. Seeger
CHRISTOPHER A. SEEGER

Encl.

cc: All Counsel of Record (via ECF)